

#### **CHALLENGES IN USER PROTECTION**

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## Regulatory framework in Serbia

Law on electronic communications

#### **By-laws**

Regulating general conditions

for activities in the EC sector, the QoS
 parameters, obligations of VAS
 operators, number portability, etc

#### Other regulations

Law on consumer protection, Law on personal data protection, etc



## Mechanism for protection of users/subscribers

User/
subscriber
(within 30 days)

Written Complaint

+ indemnification request, in line with the contractual provisions

Operator (within 15 days) Accepts complaint

Rejects complaint

Lack of answer

Mediation in extrajudicial DR RATEL/other authority or court proceedings



#### Who can submit a complaint?

**User** is a natural person or legal entity who uses or requires a publicly available electronic communications service

**Subscriber** is any natural person or legal entity who or which is a party to a contract with an operator of publicly available electronic communications services for the supply of such services



#### **Subject of complaint**

#### **Complaint**

-Cost control

-Call Identification,

-Amendments to Contract Terms and Conditions

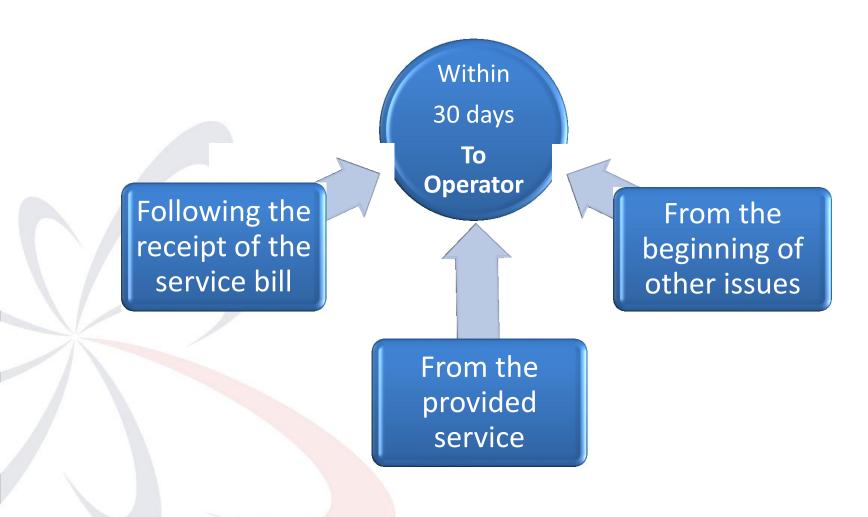
-Number portability, etc

Amount charged for the provided service

Quality of the provided service

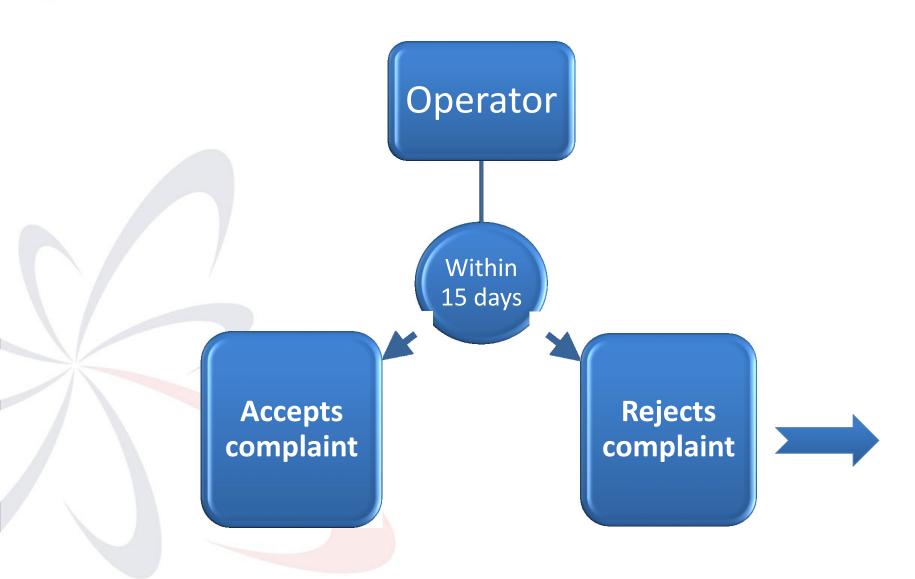


# Commencement of the complaint procedure





## Resolution of complaints (1)





## Resolution of complaints (2)

If Operator rejects complaint



If Operator does not answer in due time

User/Subscriber may adress the RATEL /another authority to mediate in extrajudicial DR

or

initiate court proceeding



#### Mediation procedure by RATEL

**RATEL** 

Request for statement

Operator (within 15 days)

-Accepts complaint -Rejects complaint

RATEL
informs the
user/subscrib
er about
operator's
statement
regarding the
complaint



#### RATEL's role in mediation procedure

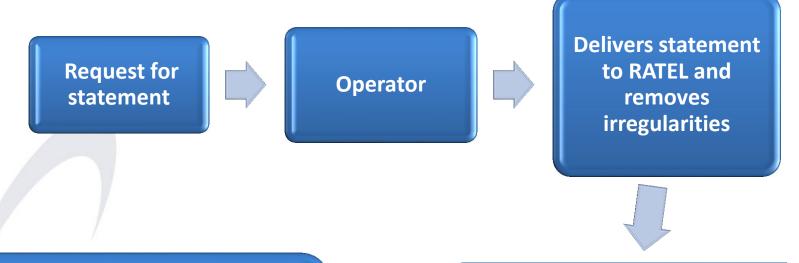
RATEL is the mediator in extrajudicial dispute resolution between the user/subscriber and the operator of electronic communications

In this procedure the rules prescribed by the Law on administrative procedure are not applicable -

RATEL's decisions are not binding



#### Mediation procedure by RATEL



RATEL delivers the answer to the claimant, informing him that he may:
-refer to RATEL in case of new facts and circumstances

or

-refer to the competent court which would provide a binding decision

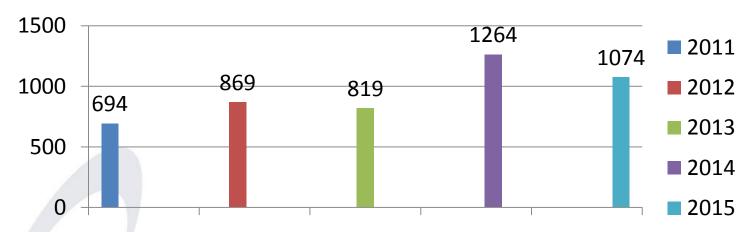


If RATEL determines that there are irregularities it sends a request for removal of irregularities to operator within a prescribed deadline

If the operator fails to eliminate the observed irregularities, RATEL shall file a report to the inspectors of the competent Ministry.



#### **Increasing number of complaints**

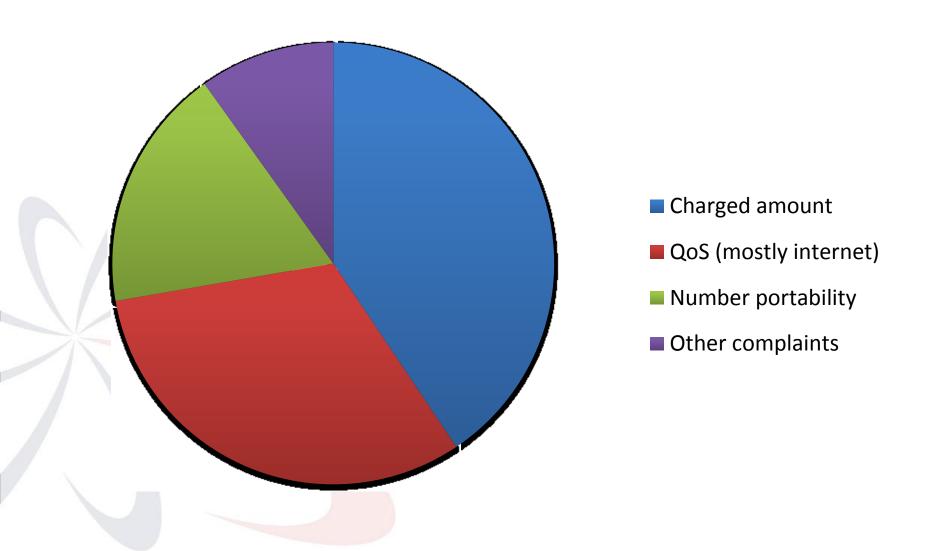


#### Factors that cause an increase in the number of complaints:

- Increase in number of users of electronic communications
- Increase in number of electronic communications services
- Wide-spread knowledge of the possibility of submitting a claim to RATEL



## Structure of submitted complaints Structure of submitted complaints





## RATEL Regulatory Agency for Discretic Communications and Postal Services Mediation or Dispute Resolution?

**Mediation** 

**Dispute** resolution

Without binding decision

Peaceful resolution of the dispute

Binding decision

Prescribed by the Framework directive

Stronger protection of subscribers/consu mers



#### Thank you for your attention!

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